

# JONES DAY

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March 1, 2017

## BY ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street S.W.  
Washington D.C. 20554

**Re: REQUEST FOR CONFIDENTIAL TREATMENT  
First Progress Report of Progeny LMS, LLC  
WT Docket No. 12-202**

Dear Ms. Dortch:

Progeny LMS, LLC (“Progeny”), by its counsel and pursuant to Sections 0.457 and 0.459 of the Commission’s Rules, 47 C.F.R. §§ 0.457, 0.459, hereby requests that the attached progress report of Progeny LMS, LLC (“Progress Report”) be treated as confidential and be withheld from public inspection.

On January 17, 2017, the Mobility Division of the Commission’s Wireless Telecommunications Bureau issued an order granting Progeny an extension of its buildout milestones and a renewal of its Multilateration Location and Monitoring Service (“M-LMS”) licenses (“*Waiver Order*”).<sup>1</sup> Pursuant to paragraph 35 of the *Waiver Order*, Progeny is required to provide periodic reports on its progress in deploying its M-LMS network to support wireless carriers in achieving compliance with the Commission’s wireless location accuracy requirements.<sup>2</sup>

In support of this request, and in accordance with the requirements of Section 0.459(b) of the Commission’s rules, 47 C.F.R. § 0.459(b), Progeny submit the following:

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<sup>1</sup> See Request of Progeny LMS, LLC for Waiver and Limited Extension of Time, WT Docket No. 12-202, *Order*, DA 17-20 (WTB, Mobility Div., Jan. 17, 2017) (“*Order*”).

<sup>2</sup> Wireless E911 Location Accuracy Requirements, *Fourth Report and Order*, 30 FCC Rcd 1259 (2015) (“*Indoor Location Order*”).

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**0.459(b)(1) Identification of the specific information for which confidential treatment is sought.** Progeny seek confidential treatment for the attached Progress Report, which includes details on the status of Progeny's implementation of its indoor location technology, its work with technology vendors in incorporating its indoor location technology in commercial wireless handsets, and its negotiations with wireless carriers and the public safety community on using its location technology to support compliance with indoor location requirements.

**0.459(b)(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.** Progeny is being required to submit the above indicated information to the Commission as a condition of the Commission's *Waiver Order* granting Progeny an extension of its buildout milestones and a renewal of its M-LMS licenses.

**0.459(b)(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.** Progeny's efforts in deploying its M-LMS licenses to support indoor location services, and the detailed status of those efforts, is highly sensitive, confidential, and proprietary commercial and technical information. Progeny believes that the substance of its Progress Report would be protected from disclosure under the Freedom of Information Act ("FOIA") as "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4).

**0.459(b)(4) Explanation of the degree to which the information concerns a service that is subject to competition.** The commercial market for wireless location services has recently become extremely competitive as a result of the Commission's adoption of its *Indoor Location Order* in 2015. Currently, multiple vendors of location services are competing vigorously against each other to secure commercial agreements with the major wireless carriers to provide some of the location services that the carriers will use to comply with the Commission's new wireless location rules.

**0.459(b)(5) Explanation of how disclosure of the information could result in substantial competitive harm.** Progeny is competing with other vendors of indoor location services to secure commercial contracts with the major wireless carriers to provide location services in support of their compliance with the Commission's new wireless location rules. Disclosure to Progeny's competitors of the status of Progeny's implementation of its indoor location technology, its work with technology vendors in incorporating its indoor location technology in commercial wireless handsets, and its negotiations with wireless carriers and the public safety community on using its location technology would place Progeny at a substantial competitive disadvantage. Progeny's competitors could use this information to

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improve their own efforts to deploy their location technology and secure commercial contracts with the major wireless carriers.

**0.459(b)(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.** Progeny does not permit the dissemination of its confidential trade secrets and proprietary information regarding the deployment of its indoor location technology to non-employees without the execution of a confidentiality agreement. For example, Progeny has entered into non-disclosure agreements with its technology vendors and the wireless carriers that it is negotiating with prohibiting the disclosure of Progeny's confidential information regarding the details of its technology deployment efforts.

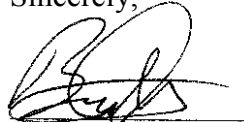
**0.459(b)(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.** The information contained in the attached Progress Report is not available to the public. Although this information has been disclosed to certain of the major wireless carriers, such disclosure was made subject to a non-disclosure agreement.

**0.459(b)(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure.** Progeny requests that the attached Progress Report be withheld from public disclosure for a period of three years.

For the foregoing reasons, Progeny respectfully request that the attached Progress Report be granted confidential status and be withheld from public inspection. If confidential treatment is not granted for the attached Progress Report, Progeny request that all copies of the Progress Report be returned to Progeny.

Please contact the undersigned if you have any questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. Olcott", written over a horizontal line.

Bruce A. Olcott

**CONFIDENTIAL TREATMENT REQUESTED**

**First Progress Report of Progeny LMS, LLC**

**WT Docket No. 12-202**

**March 1, 2017**

**[REDACTED]**